

**VIA ECF**

February 3, 2020

Honorable Lorna G. Schofield  
U.S. District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*  
Case No. 1:13-cv-07789-LGS (S.D.N.Y.)

Dear Judge Schofield:

Plaintiff Class write to apprise the Court that an open issue currently the subject of a meet and confer with Defendants is similarly at issue in a pending dispute raised last Friday before the Court in *Nypl v. JPMorgan Chase & Co.*, 1:15-cv-09300-LGS (hereafter “*Nypl*”) (ECF No. 490), and the Class respectfully request the opportunity to be heard on the issue before a ruling issues that could potentially prejudice its rights.

On December 23, 2019, the Class issued Notices of Rule 30(b)(6) Depositions on 11 Defendants, including non-settling Defendant Credit Suisse. The notices seek corporate representative testimony concerning various guilty pleas and consent orders issued by various government regulators with (or against) the 11 Defendants. On January 3, 2020, the *Nypl* plaintiffs issued copycat Rule 30(b)(6) notices that contained nearly identical deposition topics. That same day, the *Nypl* plaintiffs also issued deposition notices directed to the various Defendant executives who signed the consent orders identified in the Rule 30(b)(6) deposition notices. The Class did not issue those individual deposition notices.

On January 16-17, 2020, all 11 Defendants responded to the Class’s deposition notices and requested a meet and confer. That meet and confer took place on January 31, 2020 at 2:30 p.m., and the parties are still attempting to resolve any remaining differences. But, this Court’s order in *Nypl* required the *Nypl* plaintiffs and the Defendants to submit the parties’ respective positions regarding the various outstanding *Nypl* deposition notices to this Court on January 31. While much of that dispute does not impact the Class, the aspect of the dispute concerning the Rule 30(b)(6) deposition notices overlaps with the Rule 30(b)(6) dispute that the parties in this case are still trying to resolve.

Because the Court’s resolution of the Rule 30(b)(6) deposition notices in *Nypl* may conceivably have persuasive value to the Court in ruling on the Class’s similar, and earlier in time, Rule 30(b)(6) deposition notices, the Class respectfully request the right to be heard on the propriety of its deposition topics before the Court issues its ruling in *Nypl*. The Class anticipate

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being able to submit its moving papers within the next week if a resolution cannot be reached with the 11 Defendants.

Respectfully submitted,

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